UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,480	08/07/2003	Alejandro Wiechers	200207443-1	1078

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
MILIA, MARK R

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 24-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 24-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 8/29/07 and has been entered and

made of record. Currently, claims 1-11 and 24-34 are pending.

Claim Rejections - 35 USC § 101

2.   Applicant's cancellation of claims 12-22 has overcome the rejection set forth in

the previous Office Action. Therefore the rejection has been withdrawn.

Response to Arguments

Applicant's arguments filed 8/29/07 have been fully considered but they are not

persuasive.

Applicant asserts that Kemp (US 2002/0078160) fails to disclose "receiving at the

designer location from the print service provider location real time configuration

information regarding a print production device at the print service provider location",

creating at the designer location relative to the received configuration information a high

performance file by "encapsulating a plurality of files associated with a print job created

at the designer location, the plurality of files including the digital file that represents the

image to be printed and a file that includes print job processing instructions". The

examiner respectfully disagrees as Kemp does disclose such features. Particularly,

Kemp states that a host computer (client/@ home user), a print shop (service provider),

and a portal are communicatively connected via a network, such as the Internet. Within

the print shop a plurality of printers are connected to a server, the server communicating

with both the plurality of printers, the portal, and the host computer (client). Kemp also

states that after receiving a job ticket (processing instructions) from the client the

service provider server consults a look-up table containing all of the various capabilities

of the print shop. In the construction of the look-up table each printer must submit its

capabilities to the server. The result of the consultation is sent back to the client for

approval or in the case that a failure message is sent, the client can submit a new

request (job ticket) with different printing parameters, thereby correcting the job ticket.

Kemp further states that the client print driver renders the print job and sends it to the

spooler. The job ticket is sent to the service provider without the actual print job, which

stays in the spooler at the client, until a response is received from the service provider

as to whether or not the print job can be processed. Kemp further states that when a

user selects desired documents/images to print, the data is rendered into NPDL data,

which is data that contains the image(s) to be printed and printing instructions to allow a

printer to actually execute the printing process. Thus, Kemp discloses receiving at the

designer location from the print service provider location real time configuration

information regarding a print production device at the print service provider location",

creating at the designer location relative to the received configuration information a high

performance file by "encapsulating a plurality of files associated with a print job created at the designer location, the plurality of files including the digital file that represents the image to be printed and a file that includes print job processing instructions.

3.   Therefore, the rejection as set forth in the previous Office Action is maintained. Newly added claims 24-34 will be addressed below.

Claim Rejections - 35 USC § 102

4.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5.   Claims 1-4, 8, 10-11, 25-27, 31, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0078160 to Kemp et al.

Regarding claim 1, Kemp discloses a method, program, and system of managing workflow in a commercial printing environment including a designer location and a print service provider location, said method comprising: creating at the designer location a digital file that represents an image to be printed (see paragraphs 35-36), receiving at the designer location from the print service provider location real time configuration information regarding a print production device at the print service provider location (see Figs. 1 and 3 and paragraphs 43, 55-58, 60-62, 69-71, and 84-87), creating at the designer location relative to the received configuration information a high performance file by encapsulating a plurality of files associated with a print job created at the

designer location, the plurality of files including the digital file that represents the image

to be printed and a file that includes print job processing instructions (see Figs. 3 and 4

and paragraphs 12, 36, 43, 48, 52-58, 60-62, 69, and 84-87), submitting the high

performance file from the designer location to the print service provider location via an

electronic network (see Figs. 4 and 10 and paragraphs 52-58 and 84-87), and

performing at the print service provider location at least one of automated printing,

finishing, packaging and shipping relative to the instructions contained in the high

performance file (see paragraphs 40-41 and 64).

Regarding claim 24, Kemp discloses a system for managing workflow in a

commercial printing environment, said system comprising: a designer location

configured to: create a digital file that represents an image to be printed (see

paragraphs 35-36), receive from a print service provider location real time configuration

information regarding a print production device at the print service provider location (see

Figs. 1 and 3 and paragraphs 43, 55-58, 60-62, 69-71, and 84-87), create relative to the

received configuration information a high performance file that encapsulates a plurality

of files associated with a print job created at the designer location, the plurality of files

including the digital file that represents the image to be printed and a file that includes

print job processing instructions (see Figs. 3 and 4 and paragraphs 36, 43, 48, 52-58,

60-62, 69, and 84-87), and submit the high performance file to the print service provider

location via an electronic network (see Figs. 4 and 10 and paragraphs 52-58 and 84-

87), and a print service provider location configured to perform at least one of

automated printing, finishing, packaging, and shipping relative to the instructions

contained in the high performance file (see paragraphs 40-41 and 64).

Regarding claims 2 and 25, Kemp further discloses verifying at the print service

provider location, that the digital file will be produced as indicated by the high

performance file and, if not, correcting the high performance file to ensure production

substantially as designed (see paragraphs 84-87).

Regarding claims 3 and 26, Kemp further discloses wherein the digital file

includes the substance of the print job and the   corresponding images and fonts (see

paragraphs 48-54, 56-58, and 69-72).

Regarding claims 4 and 27, Kemp further discloses wherein the plurality of files

includes a job ticket that contains instructions regarding each stage of processing for

the print job (see paragraphs 48, 53, 56, 69-71, and 84-85).

Regarding claims 8 and 31, Kemp further discloses performing at the designer

location automated remote finishing setup to remotely select the desired finishing

options and to prepare finishing instructions to effect the same, and wherein the plurality

of files includes the finishing instructions (see paragraphs 41, 67, 69, and 85).

Regarding claims 10 and 33, Kemp further discloses performing at the designer

location automated remote packaging setup to remotely select the desired packaging

options and to prepare packaging instructions to effect the same, and wherein the

plurality of files includes the packaging instructions (see paragraphs 41, 64, 67, 69, and

85).

Regarding claims 11 and 34, Kemp further discloses performing at the designer

location automated remote shipping setup to remotely select the desired shipping

options and to prepare shipping instructions to effect the same, and wherein the plurality

of files includes the shipping instructions (see paragraphs 41, 64, 67, 69, and 85).

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

7.   Claims 6 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kemp as applied to claims 1 and 24 above, and further in view of U.S. Patent

Application Publication No. 2002/0101608 to Whitmarsh, as cited in the Information

Disclosure Statement dated 8/7/03.

Kemp discloses using updated device configuration information from the print

service provider location by encapsulating a plurality of files associated with a print job

created at the designer location (see Figs. 3 and 4 and paragraphs 12, 36, 43, 48, 52-

58, 60-62, 69, and 84-87) and two-sided printing (see Fig. 6B).

Kemp does not disclose expressly wherein the plurality of files includes an

imposition information file that contains instructions regarding arrangement and spacing

of the image to be printed on print media to be used in completing the print job.

Whitmarsh discloses selecting imposition print options (see Fig. 9 and

paragraphs 41-42).

Kemp & Whitmarsh are combinable because they are from the same field of endeavor, printing over a network.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the imposition print options, as described by Whitmarsh, with the system of Kemp.

The suggestion/motivation for doing so would have been to ensure print job accuracy by specifying the arrangement and spacing of the print job. The prepress step of imposition is well known and used in the art, as seen in the reference of Whitmarsh and several other references list in the Information Disclosure Statement dated 8/7/03, and is alluded to in the reference of Kemp (Fig. 6B, two-sided printing tab).

Therefore, it would have been obvious to combine Whitmarsh with Kemp to obtain the invention as specified in claims 6 and 29.

8.   Claims 5, 7, 9, 28, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp.

Kemp discloses the ability to print a document to a local printer (print a proof) and/or send the document to a service provider (see paragraphs 48 and 57).

Regarding claims 5 and 16, Kemp does not disclose expressly wherein the plurality of files includes a remote proof file that reflects the format that the final output of the print job should comprise.

However, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a remote proof file because it is well known in the art to

proof a document to ensure that the final print is accurate to what is desired by the user/designer/customer. Proofing is commonly used in the art, as seen in several references listed in the IDS dated 8/7/03.

Regarding claims 7 and 18, Kemp does not disclose expressly wherein the plurality of files includes an imposition proof in electronic form that illustrates the arrangement and spacing.

However, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to include an imposition proof file because it is well known in the art to proof a document to ensure that the final print is accurate to what is desired by the user/designer/customer. Proofing is commonly used in the art, as seen in several references listed in the IDS dated 8/7/03.

Regarding claims 9 and 20, Kemp does not disclose expressly wherein the plurality of files includes an electronic image of a finishing mock-up of the image to be printed.

However, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to include an electronic image of a finishing mock-up because it is well known in the art to proof a document to ensure that the final print is accurate to what is desired by the user/designer/customer. Proofing is commonly used in the art, as seen in several references listed in the IDS dated 8/7/03.

Therefore, it would have been obvious to combine including proof and mock-up files in the plurality of files associated with the print job with Kemp to obtain the invention as specified in claims 5, 7, 9, 28, 30, and 32.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark R. Milia whose telephone number is (571) 272-

7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler M. Haskins can be reached at (571) 272-7406. The fax number for

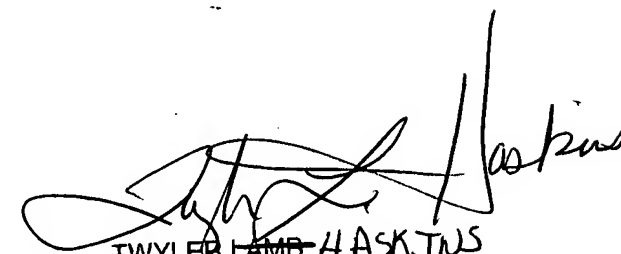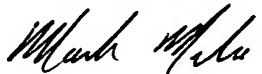the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625

MRM

TWYLER LAMB-HASKINS
SUPERVISORY PATENT EXAMINER